

ORDINANCE NO. 895

UTILITIES (Water)

An Ordinance Prescribing Rules and Regulations for the Conduct and Management of the Water Department of the City of Vernonia; Repealing Ordinance 642, 655, 757, 871 and all Amendments Thereto

The City does ordain as follows:

Section 1. [Definitions.]

1. Customer. For purposes of this title, “Customer” shall mean the owner of record of the property served or the tenant. Customer includes a person, corporation, association or agent of property, which is served by the City water system.
2. City. The legally constituted Municipal Government of the City of Vernonia, Columbia County, Oregon and/or Utility Billing Department.
3. Council. The Vernonia City Council.
4. Premises. Any house, apartment, manufactured home etc.
5. Owner. Owner means the owner of record of property.
6. Public Works Director. The Public Works Director of the City of Vernonia or authorized deputy, agent or representative.
7. “Shall” is mandatory; “May” is permissive
8. Tenant. One that pays rent to use or occupy land, a building, or other property owned by another.
9. Utility. Water service and sanitary sewer service provided by the city.
10. Water District. Two or more customers residing outside the City limits billed jointly from a master meter.
11. Water Service District. Two or more customers residing within the City limits billed jointly from a master meter for the benefit of the Water Department.
12. Water Department. The City of Vernonia Utility Department.

Section 2. [Combined Utility Billing.] Water service charges, sanitary sewer charges authorized by the Vernonia City Council and imposed on users of utility services, or any combination of such charges, shall be billed in conformance with the provisions of this chapter.

Section 3. [Application for Service.] Application for utility service shall be made in writing by the owner of the premises to be served, or the owner’s agent, on forms furnished by the City, giving the location of premises to be served, the date the applicant desires service to begin, purpose for which service is to be used, the address for mailing the bills and such other information as the city may require. The application for utility service shall be accompanied by payment of an administration fee set by Council resolution. Rules and regulations established by the City for utility services shall be part of the service contract between the city and the applicant. All such rules and regulations are subject to change by the Council at any time. The filing of an application for the use of city utilities shall be considered as consent by the applicant to be bound thereby. If an application has not properly been completed and filed with the city within five (5) days of a new service account being established, the account may be terminated and the water

service disconnected to the premises. Additional fees shall be assessed for shut off and turn on of service.

Section 4. [Responsible for Utility Charges] Responsibility for payment of city utility charges and all fees assessed shall be that of the person who owns the property, owner of record. The responsibility for payment to the City does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay the charges provided in Section 5. The owner shall co-sign the utility application and shall be responsible for the utility bill when the utility bill is not paid by the tenant in a timely manner. The City shall provide information to the owner regarding the status of a tenant's account upon request. The execution of a service application shall constitute the owner's consent to such responsibility. (ORS 91.255)

4.1 Accounts that are currently considered "Inactive" and accounts that are currently charged by gallons of water used, shall not be charged the \$5.00/month fee designated for accounts considered "Inactive", nor shall such accounts be charged the \$4.25/gal. "per gallon use" fee. Instead these accounts will be charged a base rate (either a water base rate, or a water/sewer base rate) depending on the nature of their account.

4.2 Accounts that are currently considered "Temporary Vacancy" / "Stand By" which are at the present time charged a \$5.00/month fee, shall be charged a monthly base rate during the time of vacancy or stand by status. In lieu of paying a monthly base rate during vacancy or stand by, water customers may discontinue service for the period of the vacancy or "stand by." Water customers choosing to discontinue service shall be charged a "Shut Off" and "Turn On" fee as assessed for the period of the service interruption. (Section 4 amended by Ordinance 897 declaring an Emergency 10/20/14)

Section 5. [Billing Tenants] A property owner, or the owner's agent, may authorize that City utility charges be billed directly to a tenant on the utility application for service. In such cases, the tenant shall complete the application for service and the owner or owner's agent shall co-sign the application provided in Section 4. Owner or owner's agent is to notify the City within 24 hours of any billing customer change. Water service will remain active between tenants unless otherwise instructed by the owner or owner's agent. Owner or owner's agent will be responsible for all utility charges for periods of vacancies between tenants, or for any time period for which the City was not notified of a change of occupancy. (ORS 91.255)

Section 6. [Deposits] At the time application for utility service is made, a utility deposit shall be paid. The deposit shall be held by the city until service account is in good standing for a cumulative 12 month period, after which the deposit amount will be applied toward the next bill. Interest shall not be paid on deposits. The deposit fee is set by Council by resolution.

Section 7. [Water Department Rates, Charges and Fees.] Rates, charges, and fees for Water Department services will be established by Council by amending the Master Fee Resolution 14-08 and are subject to change by Council at any time.

Section 8. [Utility Charge Liens.] In addition to a deposit, the City shall obtain a signed agreement from the owner of the premises that they accept liability for any charges accruing as a result of the provision of water service and that a lien can be filed against the premises if charges are not paid. (Resolution No. 14-08 No. 8 Fees for Liens.)

Section 9. [Meter Reading.] All water meters shall be read at regular intervals, as determined by the Utility Billing Department, for the preparation of City utility bills and as required for the preparation of opening and final bills. The City reserves the right to estimate meter readings in cases where actual meter readings are not available and to adjust consumption when actual readings are not obtained. The charge for each meter shall be made from one reading to the next based on the established billing method.

Section 10. [Billing and Collection.]

A. Opening and closing bills, representing less than a full billing cycle, shall have the base fee prorated using the actual days of use. Utility charges shall be billed monthly. All bills are due and payable upon receipt and are past due after the 10th, and delinquent after the 14th of the month following the billing date. A 6% surcharge on the delinquent amount will be added to the account balance.

B. Water service may be disconnected by the City when a residential customers utility bill exceeds the amount of \$300 or more on a water/sewer service connection and \$150 or more on a water only service connection or is 90 days past due. Written notice shall be mailed to customers at least 10 days prior to disconnecting water service for nonpayment. If payment of the surcharge, past due amount and the surcharge is not made by the date and time designated on such notice, a final delinquent notice to the customer shall be posted at the premises 24-hours prior to disconnecting water service for nonpayment. If payment of the surcharge, past due balance and all fees assessed are not made by the date and time designated on the 24-hour notice, the water service to the premises may be disconnected and the water shall not again be furnished thereto until all such utility charges and all fees have been paid in full, or prearranged payment plan is in place.

Section 11. [Payment Arrangements.] The Utility Billing Department may enter into a payment arrangement with a customer to facilitate the payment of delinquent utility charges in order to have water service restored. Such agreements shall not exceed the term of six months. If the customer fails to comply with the terms of the agreement, then the water may be shut off without additional notice and not turned on again until the outstanding charges are paid in full. No payment agreement may be given if no contact has been made by the customer with the utility billing department during the 90 day delinquent time. All payment arrangements made prior to the adoption of this ordinance shall be grandfathered.

Section 12. [Unauthorized Restoration of Service.] If utility service to a delinquent account has been turned off, as provided in Section 10, and if the owner, occupant, or other unauthorized person restores the service prior to making the required payments, a fee equivalent to double the reconnection fee shall be added to the account. Such fee shall not prevent nor replace regular charges for the services used, nor preclude judicial remedies or criminal or civil sanctions for theft of service.

Section 13. [Final Bill.] A customer shall notify the city a minimum of 5 days prior to the date service is to be discontinued. The customer shall pay all utility charges until the date of such discontinuance. If notice is not given, the responsible party will be required to pay for service until the date the City has learned that the customer has vacated the premises. Final bills are due and payable upon receipt. Final bills of tenants, net of the utility deposit, which remain unpaid 20 days after the final billing date, shall be submitted to the owner for payment. The City may disconnect water service to the premises,

notwithstanding if an account has been established with a subsequent tenant, if the final bill of a previous tenant remains unpaid 30 days after the final billing date.

Section 14. [Collection Costs.] In the event of any suit or proceeding to collect delinquent utility charges, the responsible party for the charges shall pay all costs of collection, including the city's attorneys' fees at trial and at appeal, as part of the delinquent amount. In the event that the account is assigned to a private collection agency, a fee shall be added to the account before being assigned to cover the cost of collection.

Section 15. [Temporary Vacancies.]

In the case of temporary vacancy of any premises due to change of ownership or occupation between tenants for periods of not more than 30 continuous days. City utility charges shall not be assessed; provided, there is no occupancy, and that less than 200 gallons of water is used during the vacancy period, if more than 200 gallons of water is used during the vacancy period, a full rate utility bill will be charged based on meter size and gallons used.

A. Where premises receiving City utility services is rendered uninhabitable as determined by the building official, City utility charges shall not be assessed during reconstruction or repair of the premises; provided, there is no occupancy, and that less than 200 gallons of water is used during the vacancy period, if more than 200 gallons of water is used during the vacancy period, a full rate utility bill will be charged based on meter size and gallons used.

Section 16. [Revenues to be Separately Designated.] All revenues resulting from the rates, charges and fees authorized by this ordinance shall be kept separate and apart from other funds and shall be used for the construction, addition, improvement, financing, operation and maintenance of the Vernonia Water System and the reserves shall be used for replacement of the water treatment, storage, transmission and distribution facilities.

Section 17. [Water Use.] No customer supplied with water from the City mains will be entitled to use it for any purpose other than stated in his or her application, or to supply in any way other individuals or properties.

Section 18. [Additional Uses; Permit.] Should the customer of the premises wish to use the water for a purpose not stated in the original application, a new application must be made and a permit obtained at City Hall with the Utility Billing Department.

Section 19. [Connections; Service Pipes.] When a permit has been granted for a new service, a corporation stop or tap will be inserted in the main. For a dwelling of ordinary size the tap will be one inch in diameter. All non-standard, commercial, or industrial connections shall be sized by the City Engineer.. Before the tap is inserted in the main, the Public Works Director or designee shall open the ditch for the service pipe from the curb line to the main in the street; the service pipe placed therein at right angles to the main and properly connected with a corporation stop of approved pattern.

Section 20. [Connection Fees] For new connections the meter and other material necessary to tap in the service from the main to a point within the curb line shall be furnished and installed by the City after an application has been made for the use of water as provided for in Section 2 of this ordinance. If a main line extension is necessary the

extension must be installed to the City Engineers specifications, engineering fees and costs of said extension to be paid by the applicant. For purposes of Subdivision Development utility services will be extended to each created lot by developer. The charge for new installations shall be paid by the responsible party to the City at the time of making application for the use of water. Existing services not in use as of April 5, 1999 to empty or undeveloped parcels will be considered a new connection and all new connection fees will apply. Any amount previously paid as connection fees will be deducted from the current connection fee at the discretion of the Public Works Director or designee. It is the customer's burden to show proof of payment. Connection fees will be set by Council resolution.

Section 21. [Service Pipes.] All service pipes from the meter to the wall of the building must be a minimum of 18 inches below the surface of the ground in the yard and the grade of the street. They must be installed in accordance with good engineering practices and be maintained in good working order by the customer. All service pipes will have a shutoff valve installed between the meter and the premises serviced. The customer will be responsible for any loss or damage occurring from the meter to the premises.

Section 22. [Stop and Waste Cocks.] Just inside the foundation wall of all buildings and structures supplied with city water a stop and waste cock approved in writing by the City, protected from freezing, must be installed in a convenient location, to allow pipes in the building to be drained at night during freezing weather.

Section 23. [Leaks.] Where there is a leak at any point between the main and the building served and it is doubtful whether the water comes from a break on the property side or street side of the meter, the Public Works Department shall make an excavation to determine which it is from. If the leak is found to be from the street side of the meter, the City will make all repairs free of charge; but if it is from the service pipe on the property side of the meter, notice of such leakage will be left on the premises, and the responsible party must immediately take charge of the excavation, repair of the leak, and be responsible for all damages which may result.

Section 24 [Temporary Discontinuance of Service] A customer requesting discontinuance of service for more than 30 continuous days shall upon written request to the City have the water service disconnected to the premises and shall be billed at the normal monthly rates up to end of the current billing cycle. Customer will also be charged a turn-off fee as stated in City master fee schedule. Upon written request for resumption of water service, the account will be charged a turn-on fee as stated in City master fee schedule; the account shall be billed at the normal monthly rates starting at the beginning of the billing cycle preceding the date of water service restoration.

Section 25. [Separate Service.] The City may, at its option, service two or more premises with one service connection, but shall not allow more than one applicant for service to be connected to the same meter. The service pipes must be so arranged that the supply to each separate house or premises may be controlled by a separate stop cock and protected by an approved back-flow prevention device.

Section 26. [Multiple Service.]

A. Where water is supplied through one service to several houses, families, or persons prior to the adoption of this ordinance, the City Engineer or Public Works Director may, at his/her discretion, either decline to furnish water until separate services are provided,

or may continue to supply on the condition that there shall be one responsible party, and the responsible party shall pay for all on the same service. The joining of two or more customers to form a water service district in the City, or a water district outside of the City shall be permitted only under special written contract with the City.

B. Owners with rental apartments, duplexes, multi-unit single family homes, hotels, motels, inns, and bed and breakfasts serviced by one master meter shall pay a rate per month, and per meter size, and per gallons of water used for service. The rate per month, shall be set by Resolution by the City Council.

Section 27. [Water Waste, Fraud and Abuse; Service Detrimental to Others.] Water may not be furnished where there are defective or leaking pipes or fixtures. Where water is wastefully or negligently used on a customer's premises the Utility Billing Department may discontinue service if conditions are not corrected in a timely manner after notice is given by the City. The City has the right to discontinue service immediately to any customer or premises to protect itself from fraud or abuse. The Utility Billing Department may refuse water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

Section 28. [Hose Connections.] No faucets will be allowed on the outside of any building except hose connections, which must be controlled with a stop and waste cock. No hose connections for domestic use will be allowed, all water pipes must be extended into the building.

Section 29. [Unauthorized Connections or Alterations.] No persons other than authorized City staff will be allowed to make connections with the city mains, or to make alterations in any pipe or other fixtures connected to the City distribution system or to connect pipes when they have been disconnected, or to turn water off or on at the curb (meter) stop of any premises, without written permission from the Public Works Director or designee.

Section 30. [Temporary Shutoff for Repairs.] The water may at any time be shut off from the mains, without notice, for repairs or other necessary purposes, and the City shall not be responsible for any consequent damages. Water for boilers shall not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the owners of boilers.

Section 31. [Base Rate Required for Water Service, Standby Fire Protection.] Water sprinkling, fire protection, commercial use, or any other use will not be supplied to premises where another rate is not also paid. Standby fire protection service connections of 2-inch or greater size will be permitted only after the customer has signed a written agreement promising not to use the water for any purpose other than fire suppression. Any such system must have an approved meter or detector check to prevent fraud or abuse. If unauthorized water use is recorded the City may require removal of the service. No charge will be made for water used in fire suppression providing the City is notified of such use, in writing, within fifteen (15) days of the fire.

Section 32. [Water Meters.]

1. All water services shall be metered.
2. The City shall own and maintain all water meters. The City shall not pay rent or any other charge for a meter or other water facilities, including housings and connections, located on the customer's premises.

3. Installation of water meters shall be performed only by authorized employees of the City. All meters shall be sealed by the Public Works Department at the time of installation, and no seals shall be altered or broken except by authorized City employees.
4. Customers may request and receive any size meter regular stocked or furnished by the City, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Public Works Director or designee. If a change in size of service and meter is requested, the work performed will be billed to the customer as a new installation. The City reserves the right to determine the type of meter to be installed.
5. When a meter gets out of order and fails to register accurately, the charge shall be according to the average of quantity used daily, as shown by the meter when in order. All meters shall be and shall remain the property of the City, and may only be removed when the Public Works Director or designee may decide to do so.

Section 33. [Meter Testing] A customer may request the city to test the accuracy of the water meter serving the customer's premises. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association. The responsible party shall pay a fee to cover the cost of testing the meter.

Section 34. [Use of Fire Hydrants.] No person, except authorized City employees and members of the Fire Department shall operate, alter, remove, draw water from, disconnect, connect with or tamper in any manner with any fire hydrant owned or operated by the City without first obtaining written permission from the City. If a customer desires a change in size, type or location of a fire hydrant, he shall bear the cost of the change. The City must approve such changes.

Section 35. [Wells.] To protect the quality and safety of the City water supply, it shall no longer be permitted to dig wells for any purpose within the City limits. Existing wells will be permitted but premises serviced by City water and one or more wells must have an approved back flow prevention device installed. If the customer can demonstrate to the Public Works Director or designee's satisfaction that a well is no longer operable and poses no hazard to the City water system, the Public Works Director or designee shall provide written notice, on a form provided by the City, that a backflow prevention device is not required. Such notice may be revoked at the City's discretion. The City having no control over the activities of customers outside the City limits, all outside users will be required to have approved back flow prevention devices installed. All backflow prevention devices will be tested annually by the City and the responsible party billed for the charges.

Section 36. [Water Districts and Water Service Districts.] For the benefit of the Public Works Department, the City may enter into special contractual agreements with groups of water users inside or outside the City. The City shall not enter into an agreement with any group of users if such an arrangement would be detrimental to other rate paying classes within the City.

Section 37. [Pools, Tanks and Special Water Sales.] When a quantity of water in excess of 5000 gallons is desired for filling a swimming pool, log pond or for other purposes, arrangement shall be made with the City prior to taking such water. Permission to take water in such quantity shall be provided in writing on a form provided by the City, and shall be given only if the water can be safely delivered and if other customers will

not be inconvenienced. Such water will be billed on a volume basis at a rate comparable to that of other customers in the rate class.

Section 38. [Right of Entry.] Employees of the City shall have access at reasonable hours of the day to all parts of the buildings and premises in which water may be delivered from the City mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used. If access to the premises is refused the City will not inspect the premises but may at its discretion, shut off water to the premises.

Section 39. [Suspension of Rules.] No employee of the City is authorized to suspend or alter any of the policies, rules or regulations in this ordinance without specific approval or direction from the City Council except in cases of emergency involving loss of life or property, or which would place the water system in jeopardy.

Section 40. [Penalty.] The violation of a provision of this ordinance, or the failure to conform to its conditions, shall subject the person of such violation or failure, on conviction, to a fine set by council resolution.

Section 41. [Severability.] If any provision of this ordinance shall be determined to be void by a court of competent jurisdiction, then such determination shall not affect any other provision of this ordinance and all such other provisions shall remain in full force and effect.

Section 42. [Appeal Procedures.] A Customer who disputes their bill may make a written appeal to the Utility Billing Clerk. The Utility Billing Clerk shall review the appeal and provide a written response to the customer. The customer shall continue to comply with the provisions of this chapter during the appeal process. A customer aggrieved by the decision may appeal to the City Administrator by filing with the City Recorder a written request for review no later than 15 days after receiving the decision. A customer aggrieved by the decision of the City Administrator may appeal to the City Council by filing with the City Recorder a written request for Council review no later than 15 days after receiving the City Administrator's decision. The City Council's decision shall be final.

Section 43. [Repeal.] Ordinance No. 642, 655 and 757 and all other ordinances and parts thereof in conflict herewith are hereby repealed.

Section 44. [Effective Date:] Under the provisions of the City of Vernonia Charter of 1998, Chapter VIII, Section 32, the provisions of this Ordinance shall become effective on the thirtieth (30th) day after its adoption and authentication.

Section 45. [Emergency Clause]

Section 46. [Recorder's Duties:] The City Recorder is hereby directed, upon its adoption and authentication, to number this Ordinance as the next adopted ordinance of the City of Vernonia.

Adopted as read by title only this 15th day of September, 2014, by the following vote:

Ayes: 5 Nays: Abstain: Absent:

Adopted as read by title only this 15th day of September, 2014, by the following vote:

Ayes: 5 Nays: Abstain: Absent:

Josette M. Mitchell, Mayor

Attest: _____
Joann M Glass, City Recorder

City Council approved September 15, 2014